

DISAPPROVES VERDICT OF DAY-WALLER COURT-MARTIAL

General Chaffee Holds That Killing of Samar Natives Was Without Legal Process.

SAVORS TOO MUCH OF RETALIATION

Case Should Not Be Made Precedent for Young Officers.

MENTAL CONDITION EXCUSE FOR WALLER

Subordinate, However, Should Not Have Carried Out Major's Instructions—Accusation of Murder Clause Alone Approved by Commander.

MANILA, May 25.—General Chaffee has disapproved the action of the court-martial in acquitting Major Waller and Lieutenant Day of the charge of killing natives of Samar without legal process. General Chaffee says that the verdicts are a miscarriage of justice, and the findings are opposed to the evidence. He holds that while the laws of war justify summary executions in certain cases, such cases did not arise in the Samar campaign.

Not a Precedent. A minute review of the record leads him to decide that justice to the military service and common fairness to the helpless natives whom Major Waller sent to their death, his acts partaking more of unlawful retaliation than justifiable warfare, make the case one that should not become an approved precedent for young officers.

However, considering the mental condition of Major Waller, so much of the findings as declare the accused not guilty of murder are approved. Lieutenant Day is censured because, though he knew Major Waller's condition, he did not counsel delay.

Should Have Disobeyed. Instead, he seconded Major Waller's resolve and promptly executed his orders, which, under the circumstances, he should have disobeyed, thus guarding the honor of his country, and probably preventing one of the most regrettable incidents in the history of the American military service.

SCULPTOR COMING HERE.

Will Superintend Erection of Frederick Statue in This City.

TO SAFEGUARD GERMAN STEAMSHIP COMPANIES

Government Approves Important Proposals.

Will Be Submitted to the Shareholders as Amendments of the Present Statute of the Lines.

BERLIN, May 25.—The directors of the Hamburg-American Steamship Company have obtained the approval of the imperial government to a number of important proposals which they will submit to the shareholders as amendments to existing statute of the company. These amendments have been drawn up in view of the company's new relations to the Atlantic shipping trust. They stipulate that the members of the directorate of the company must be German subjects, and that the company must be a German company. A board of control, consisting of from five to seven members, elected at a general meeting, must also be German subjects residing in the German empire. An absolute majority is necessary to adopt resolutions, and decisions regarding a change in the objects of the enterprise or amalgamation with another company, a three-fourths majority is necessary, and the majority must be four-fifths on a proposal to remove the headquarters of the company outside of the German empire or for the dissolution of the company, and a second general meeting for such purpose must be held not less than six nor later than eight weeks after the first general meeting.

The same procedure is next in the case of decisions of a general meeting involving the sacrifice or curtailment of the independence of the company in favor of foreigners. The directors also propose the following important additional statute: In expenditure which has to be written off there must be included the expense of meeting financial obligations incurred by virtue of these agreements regulating participation in profits, which the directorate, with the consent of the board of control, has concluded with other companies. The directorate further states that at a general meeting information regarding the contents of the agreement concluded with the Anglo-American shipping trust will be given in order to elucidate the proposals laid before the meeting.

EIGHT PERSONS INJURED.

Floor of Dining Room on Pier at Rockaway Beach Collapses.

NEW YORK, May 25.—Eight persons were injured tonight by the collapse of the floor of the dining room at the Phillips Pier, at the foot of Pier Avenue, Seaside, Rockaway Beach. The dining room is on the right side of the pier and was built about four weeks ago. It is a large room about seventy-five feet square and there were about 150 persons, including many women and children, eating when the iron beam at the junction of the two iron girders snapped and the floor at that end fell ten feet to the sand. About fifteen men, women, and children were upset and were rolled with tables, chairs, glasses, and plates into a heap on the sand. None of the injured was seriously hurt.

CHILE AND ARGENTINA AGREE ON A PROTOCOL

Five-Year Instrument to Be Signed by the Contracting Republics the First of This Week.

SANTIAGO DE CHILE, May 25.—The protocol between Chile and the Argentine Republic will be signed the first of this week. It provides that all existing contracts for warships entered into by either country will be canceled, and eighteen months' notice of fresh orders will be given.

The treaty will be for five years. It includes compulsory arbitration, and a mutual declaration of non-intervention, Argentina accepting the status quo in the Peru-Bolivia question. Both nations agree not to fortify the Straits of Magellan, and not to sell their ships to any unfriendly power.

PAUNCEFOTE FUNERAL TO BE STATE FUNCTION

All the Arrangements in Hands of Dr. David J. Hill.

DIPLOMATIC CORPS TO MEET

Rt. Rev. Dr. Alexander Mackay-Smith Will Officiate—Remains of Late Ambassador to Rest Temporarily in Receiving Vault at Rock Creek.

The funeral of Lord Pauncefote, which will be held at St. John's Episcopal Church, Sixteenth and H Streets northwest, Wednesday, May 28, at 12 o'clock noon, will be one of the most impressive state funerals of a mortuary character ever held in Washington.

Baron von Holleben, the German ambassador, and by the death of Lord Pauncefote dean of the Diplomatic Corps, will call a meeting of the corps at the German embassy today for the purpose of drawing up appropriate resolutions regarding the death of the representative of King Edward and the British empire, and of determining the details of a plan of action in regard to the funeral.

To Conduct Services. Right Rev. Alexander Mackay-Smith, coadjutor Bishop of Pennsylvania, formerly the rector of St. John's Church, will officiate at the funeral services. Lord Pauncefote was a member of the bishop's parish while the latter was rector of St. John's. Dr. Mackay-Smith will arrive in this city from Philadelphia today, and remain here until after the funeral on Wednesday.

The funeral arrangements are all in the hands of Dr. David J. Hill, the Assistant Secretary of State. Dr. Hill accepted this duty at the solicitation of Mr. Baileys, the first secretary and charge d'affaires of the British embassy here.

The President of the United States, the members of the Cabinet, the entire Diplomatic Corps, in full insignia; the Justices of the Supreme Court of the United States, the members of the Senate and House of Representatives, the Lieutenant General of the Army, and the Admiral of the Navy will attend the funeral to pay their last tribute to the deceased.

TANGLE IN TAMMANY CONGRESS DISTRICTS

Candidates Must Move to Be Eligible—Montague Lessler's Constituency Now Hopelessly Democratic.

NEW YORK, May 25.—Members of the Tammany delegation to Congress are wondering where they are to be re-nominated this fall, for the Congressional district lines have been so drawn under the new apportionment that several of them are thrown into the same districts and will have to move around to get their nominal lions.

The present Seventh district, which is now represented by Montague Lessler, a Republican, has been reformed in such a way that the Democratic majority is so large that there is little hope of overcoming it. Perry Belmont is announced as a candidate for the nomination in this district, and he is said to have the organization of the First district divided in his support.

Representative Goddard, who now represents the Ninth district, will be a candidate for nomination in the new Ninth, which includes in part the territory which he now represents. The new Eleventh consists in part of the territory which was included in the old Tenth, which was represented for years by the late James Cummings.

O. H. P. Belmont, who now represents the Thirteenth Congressional district, is a candidate for the nomination in this district, and it is understood he is willing to move into the district to live for the sake of getting the nomination there. Several friends of the late Representative Cummings think another man would make a better Representative for the district and there is likely to be a contest for the nomination.

The new Tenth includes the Fourteenth Assembly district, the home of Representative Sulzer, and Mr. Sulzer is going to get the nomination there if he can.

Col. Jacob Ruppert, Jr., will get the Tammany nomination in the new Sixteenth district, unless all signs fail. He has large business interests in the district, and has represented it for a number of years.

GENERAL BROOKE SUE BY SPANISH COUNTESS

Resident of Havana Makes Claim of \$250,000.

Ex-Governor of Cuba Accused of Depriving Plaintiff of a Valuable Hereditary Privilege.

NEW YORK, May 25.—Suit was begun in the United States Court yesterday morning by Donna Maria Francisca O'Reilly de Camera, Countess of Buena Vista, against John R. Brooke, major general of the United States army, for \$250,000.

The complainant alleges that General Brooke deprived the countess of the privileges of the slaughter house in Havana and the other emoluments attached thereto. In 1704, by decree of the King of Spain, the office of aguacil mayor, or high sheriff of Havana, was established. This entitled the holder to a seat in the municipal council of the city and to slaughter all the cattle for the city, to sell the meat and to collect all moneys for the same at fixed charges. This office was alienable and hereditary.

It was sold at auction, and up till 1873 was in the family of the de la Puertas. Soon after that it passed by purchase to the Count O'Reilly, husband of the daughter of the last incumbent and from him to his heirs, one of whom Donna Francisca is.

In 1878 the privilege of sitting in the municipal council was denied the high sheriff, but the slaughter house privilege was still in effect, and was exercised by the plaintiff till 1899.

Estate Became Indebted. In 1895 the estate of Count O'Reilly having become indebted to several people, suit was brought and settled with the understanding that one-half interest in the slaughter house be sold for the benefit of the creditors. This half interest was purchased by Dr. Gustavo Gallet Duplessis.

The countess avers that she employed in the business seventy workmen, fifty oxen, and more than twenty carts. All went well, and the business of killing the cattle and selling the meat was successful and lucrative till 1899.

In that year General Brooke, then military governor of Cuba, issued an order to the effect that the hereditary privileges connected with the slaughter of cattle in Havana, held by the O'Reilly family, were terminated and declared null and void. And that the business should be conducted by the authorized agents of the city of Havana.

The order was to go into effect on June 1, 1899. This, the plaintiff alleges, is in direct violation of the treaty of Paris, which says in its first article, that so long as the occupation lasts the United States shall assume and discharge all obligations under international law for the protection of life and property.

Restrained From Redress. The countess alleges she was prevented from any redress from the deprivation of her rights, emoluments and the rest.

This is construed as a direct contradiction of the President of the United States' order of July 13, 1898, saying that the municipal laws of the conquered territory as affecting private rights of person and property should be considered as continuing in so far as compatible with the new order of things.

The countess claims that General Brooke exceeded the scope of his authority. Therefore she asks for \$250,000, together with damages and costs from General Brooke. The countess asserts that she is a subject of the King of Spain and resides in Havana.

General Brooke is at present in charge of the Department of the East, with his headquarters on Governor's Island.

THREW STONES AT KING OF ITALY'S CARRIAGE

Miscranted at Naples Bombarde Royal Vehicle and Is Arrested.

NAPLES, May 25.—King Victor Emmanuel and Queen Helena arrived here this evening en route to Palermo, where they will open the agricultural exhibition. During the halt of their train at the arsenal two stones were thrown at the royal carriage.

The man who threw the missiles was arrested. It was found that he had already been convicted of theft.

ORDER OF GARTER FOR DUKE OF MARLBOROUGH

Membership Made Vacant by the Death of Earl of Kimberley Filled by King Edward.

LONDON, May 25.—The King has conferred on the Duke of Marlborough the membership in the Order of the Garter made vacant by the death of the Earl of Kimberley.

ATLANTA, Ga., May 25.—By the latest of margins a repetition of the race riot here a week ago was averted last night. Tom Nichols, a negro, was shot and instantly killed by a seventeen-year-old white boy, Morris L. Greenblatt. The tragedy occurred on Peters Street, one of the most unsavory parts of the city, given over almost wholly to the negro population.

In a short time after the news of the negro's death had spread a mob of fully a thousand blacks had assembled. The wildest disorder prevailed, and, with the avowed intention of lynching

ENGLAND OPTIMISTIC OVER BOER WAR OUTLOOK

MOB LYNCHES MURDERER AT RAILWAY BRIDGE

Father and Brother of the Victim Shove Criminal From Structure to His Doom.

PARIS, Mo., May 25.—Abe Witherup, the murderer of William Grow, was lynched at 2 a. m. today. He was hanged from the railing of a bridge at the north end edge of town. The victim was shoved over to his death by the father and brother of the young man he had murdered, acting under orders of the mob leader.

Before being lynched Witherup made a statement in which he admitted having killed young Grow on the evening of April 17, as the result of a quarrel. He then threw the body into the creek, weighted with rocks. When it rose to the surface the evidence of foul play was so unmistakable that Witherup was arrested.

The mob which took Witherup from the jail was composed of men from the country districts. They overpowered the sheriff and his deputies and battered in the doors with sledge hammers.

JEALOUS LOVER SLAYS SWEETHEART IN CHURCH

Shoots Girl Through the Heart and Flees to the Woods.

BLOODHOUNDS PLACED ON TRAIL

Posse in Pursuit With Intention of Lynching Murderer If Caught—Deed the Outcome of Resentment at Other Men's Attentions.

ATLANTA, Ga., May 25.—While the last notes of the Doxology were being sung today in the little Methodist church at Ben Hill, a quiet hamlet a short distance from this city, two pistol shots were heard and a young girl was seen to sink, dying, into her father's arms. Miss Lilla Suttles, eighteen years old, was twice shot and almost instantly killed by Millard Lee, twenty-five years old. Both are of good families.

The deed was prompted by jealousy on the part of Lee. He had been paying devoted attention to Miss Suttles for some time, and was resentful over the admiration she received from other suitors.

Lee was seated in the church to-day directly behind his intended victim. During the service he leaned over and spoke to her, seeking to make an engagement for the evening service.

She declined his invitation to accompany him on the ground of having a

previous engagement. Lee was then heard to say to her in an excited whisper that he would kill her if she did not accompany him, as he had requested. Her only reply was a smile, as she turned her back to him.

Shot Girl Twice. The morning service had been completed and the last hymn was being sung when Lee was seen to draw a revolver from his pocket and fire twice. One of the shots went direct to the heart of the girl, the other penetrating the left lung.

Her father was standing beside her and as she sank toward the floor he gathered her in his arms. She died almost instantly.

As soon as Lee fired the second shot he made a bolt for the door of the church and started for the woods. Before he had disappeared more than fifty men were in pursuit of him.

A posse of nearly five hundred formed quickly, and bloodhounds were procured from a convict camp less than two miles from the scene.

Will Be Lynched. The trail of Lee was readily taken up, and the posse is now in hot pursuit. Lee will be lynched when caught.

Times Newsboys Band Call

All members of The Times Newsboys Band will report at The Times office at 3 o'clock sharp this afternoon, in uniform. Important. G. M. WHITE, Director.

FIREMEN REFUSE TO GO OUT ON STRIKE

DEFENDS THE KAISER.

Official Organ Also Pays Its Respects to Baron von Holleben.

BERLIN, May 25.—The "Vossische Zeitung," the organ of the bourgeoisie, in an editorial today defends the gift by the Kaiser to the United States of the statue of Frederick the Great. It points out that Frederick was the first prince to recognize the independence of America.

At the same time the paper says it regrets that Baron von Holleben, the German ambassador at Washington, had not warned the emperor of the spirit in which his gift would possibly be accepted.

The "Vossische Zeitung" recalls certain diplomatic mistakes made by the ambassador during the visit of Prince Henry, and instances the refusal of the baron to grant a seat to the representative of the "New Yorker Staats-Zeitung" on Prince Henry's special train.

Vote at Shamokin Results in Decision to Stay at Work.

OPERATORS MAKE PREPARATIONS

Mines Being Placed in Readiness to Withstand Siege.

POLL OF PUMP MEN TAKEN

Owners Said to Be Assured That Large Proportion of Employes Will Not Leave Them—Shortage of Coal Being Felt—How Railway Men Stand.

SHAMOKIN, Pa., May 25.—At a mass meeting of pumpmen and engineers here this evening it was decided by a vote of 45 to 15 to remain at work after June 2. Secretary George Hartin, of the Ninth United Mine Workers' district, addressed the men, having been invited to explain what the recent Wilkesbarre convention wanted the engineers and pumpmen to do.

He said that the miners' union would support his hearers if they stood out for an eight-hour workday at the present scale of wages. He also said that, inasmuch as the engineers and pumpmen had profited by the miners' strike of 1900, it was only fair for them to cast their lot with the general fight now on.

Vote to Remain. A stormy debate followed, many of the men saying they would not strike, as they were satisfied with the wages they now received, and would not run the risk of losing their jobs by engaging in the tie-up. One of the men requested that as some present were not engineers and pumpmen, they should withdraw. No one left the hall, and immediately after a standing vote was meeting ended.

Hartin had no comment to make when questioned other than to remark that he did not think the engineers and pumpmen acted squarely by the union in the face of benefiting by the 1900 tie-up. The operators are in a happy frame of mind over the determination of the men to remain at work, and say that those who man the pumps to prevent the collieries from flooding will be protected.

WILKESBARRE, Pa., May 25.—Several of the large companies were today busy making preparations for filling the places of all who strike on June 2, and these arrangements convince the most skeptical that the operators are prepared for a long and determined struggle.

The non-union men are to be housed at the mines. During the last week comfortable houses have been built, and they will be furnished with beds and bedding, while today big cooking stoves, kitchen utensils, and table wares were taken into the collieries. This arrangement will minimize the danger of interference by strikers.

The non-union men will be carefully guarded, and the fencing in of the collieries makes it easy to guard them and prevent the marches which, in the strike of 1900, drove many of the workers out of the mines. The operators are hurrying this work, and expect to have all the collieries which they intend pumping prepared for the non-union men by the middle of the week.

A Poll of Engineers. Today throughout the region the poll of the engineers, firemen, and pumpmen took place, and while reports will not be in until Tuesday, the operators have heard from several central points enough to convince them that three-fourths of the engineers and pumpmen will remain at work. As to the firemen, it is expected that after being defeated in their own strike last fall, they will nearly all go out in the hope of getting the eight-hour day.

The railroaders met today in Ashley Pitston, and this city, to discuss the effect of the strike upon them, and while they made no report of their proceedings it was stated that no action was taken and the consensus of opinion was that nothing should be done until after the national convention of mine workers determined the question of a proposed general strike. Then it is understood the railroaders will refuse to handle non-union soft coal, but will not decline to handle soft coal so long as it is mined by union men.

Second Week Ended. Today ends the second week of the strike, and for the twelve working days the miners have lost about \$2,000,000 which they can never regain, while business men estimate that the depreciation in business amounts to about \$1,500,000.

President Nichols has taken charge of the headquarters here during the absence of President Mitchell in the West. He stated today that a determined effort will be made this week to stop the working of the Bernice collieries, those of the State Line and Sullivan Railroad Company, and of W. R. Ganton, the only ones in the entire region which are producing coal. There has been a strike there for fifteen months, and some few months ago the complement of the non-union men was completed. Since then about 600 tons a day have been mined. Vice President Adam Ruscavage, of this district, was sent there today to take charge of the efforts of the strikers to stop work. It is believed that they will endeavor to use force and march upon the works but the companies are now making ar